

8th October 2020

Steve Hartley
Executive Director
Green and resilient Places Division
Department of Planning, Industry and Environment

Re: Public Exhibition of Draft Cumberland Plain Conservation Plan | Lot [REDACTED]

This submission is in response to advice from The Department of Planning, Industry and Environment (The Department) that the Draft Cumberland Plain Conservation Plan (The Plan) may materially impact land described as Lot [REDACTED] situated at [REDACTED] Appin. This submission, whilst submitted in respect of our land has a wider purpose, in that many affected landowners in Appin are hardworking people who have aged with the properties they own, and were to look at their land as their retirement income or as an investment for their families.

We formally request The Department re-draw its Plan as we believe it has not conducted the required investigation and studies to rezone this land and has acted unjustly and without evidence or due diligence in ensuring this process was planned and strategic, in a way that protects and maintains important biodiversity.

The Department has just 'brushed' Appin with a single swipe, and this can be seen where it has just used Appin Road as a demarcation line to determine ecological value. This is true for many other areas mapped for E2. The Department should consider the validity, credibility and appropriateness of the person or persons responsible for this wide sweeping assumption that Appin has natural ecological borders where major companies have 'developable land', but across the road is ecologically sensitive! If this 'demarcation line for convenience' is exposed, the Department should reconsider its evidence, given the amount of landowners affected by the potential rezoning and any residual claims for compensation in the absence of underlying evidence of individual land assessment.

Many parcels of land in Appin are identical to those West of Appin Road in that they do not contain trees, koalas, endangered species, are not ecologically sensitive and have been slated for development by the very same Department that now seeks their rezoning.

There is simply no basis whatsoever to categorize this parcel of land as potentially E2. The Department may consider retrospectively examining mapping to the extent that, at some stage the land categorization changed, as it will be within this investigation the Department may be able to consider any evidence presenting as the catalyst for that change. If is not discovered, the Department might urgently seek advice from the author and architect of the new mapping, as to how they propose to justify, in the absence of such evidence, a decision that will have a material impact on every family owning similar property. If The Department consider the bulk rezoning to E2 of all land, as a potential opportunity to lessen those land values prior to a future acquisition – and that assertion is supported by a lack of ecological evidence supporting that advice, the Department may be best positioned by seeking independent legal advice as to the likelihood of affected land-owners taking a class action.

The Departments own proposed land acquisition mechanisms of market purchase, active acquisition, property acquisition by agreement and compulsory acquisition are all weighted away from affected landowners, where any assessment of lands value implies a residual assessment rather than an inherent assessment of the land value today – before this Draft Plan is formalized. The mechanisms do not even provide an aggregated value – it will simply be the value of the land then rezoned (E2 x Land Size).

The Office of Strategic Lands is bound by its probity and value for money obligations to NSW Treasury and thus, there is no possibility landowners will receive fair market value – as the Department itself is independently influencing that very market.

The Departments' deliberate inclusion of biodiversity stewardship as an alternate income option is an embarrassing inclusion designed only for political purpose and has no appetite amongst the majority of landowners, sans the major developers who's contribution to this approach should be seen as 'less than altruistic and much more strategic'.

There is no evidence that the Department can rely upon to recategorize or rezone our land to E2. There is no documented evidence whatsoever that would be by a person or persons that might give the Department surety, that the Avoidance Criteria were 'applied consistently' relative to this land holding.

It is not acceptable, proper nor appropriate that the Department rely on a sweeping interpretation to develop an urban capable footprint as has been applied in this case to this Land. The assertion that these criteria (in their sweeping nature) ensured that 'areas with a high biodiversity value were not included in the urban capable footprint 'is wrong and misleading.

On any bespoke assessment of this Land against the Avoidance Criteria and Categories, the architect of the calculation has erred, has conducted the assessment without observing or visiting the site or has just 'airbrushed for convenience' biodiverse areas.

Appin landowners, particularly those affected by The Plan have been placed in a difficult situation as many are wildlife and native fauna and flora advocates and passionate wildlife supporters – this is typical of farmers generally and more particularly, the very conservative constituents of Campbelltown and Wollondilly. Their desire is to preserve their land in line with both its intent and purpose, and future sustainable development. They have invested in, and maintained their properties legally and in many cases, these land holdings were to become their family legacy, in that the land, or its inherent value would be maintained for generations.

The Plan does not consider them or their land holdings as material enough to evidence the very purpose and 'strategic nature' of the Plan to them. It seeks to lessen the value of properties , it seeks to create falsehoods about sensitivity where corridors already exist that are not defensible, and worse than both those issues, has been designed for the convenience of the Department, for political convenience and drafted with efficiencies rather than evidence as its basis. We respectfully submit this information to the Department for review hoping that the department apply a more robust and evidenced based assessment of the E2 boundaries

Regards

John Bowlay

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